

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK DISTRICT COUNCIL OF CARPENTERS PENSION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS WELFARE FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS VACATION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS ANNUITY FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS APPRENTICESHIP, JOURNEYMAN RETRAINING, EDUCATIONAL AND INDUSTRY FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS CHARITY FUND, CARPENTER CONTRACTOR ALLIANCE OF METROPOLITAN NEW YORK f/k/a NEW YORK CITY AND VICINITY CARPENTERS LABOR-MANAGEMENT CORPORATION, and the DISTRICT COUNCIL FOR NEW YORK CITY and VICINITY, UNITED BROTHERHOOD OF CARPENTERS and JOINERS OF AMERICA,

Plaintiffs,

-against-

EDUARDO TORRES d/b/a ET CONSTRUCTION CO.,

Defendant.

20 CV _____

COMPLAINT

Plaintiffs, The New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Vacation Fund, New York City District Council of Carpenters Annuity Fund, New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, New York City District Council of Carpenters Charity Fund, Carpenter Contractor Alliance of Metropolitan New York f/k/a New York City and Vicinity Carpenters Labor-Management Corporation, and the District Council for New York City and Vicinity, United Brotherhood of Carpenters and Joiners of America, by and through their attorneys, Virginia & Ambinder, LLP, as and for their Complaint, respectfully allege as follows:

NATURE OF THE ACTION

1. On November 8, 2010, Plaintiffs obtained a judgment against Eduardo Torres d/b/a ET Construction Co. in the United States District Court for the Southern District of New York in the amount of \$32,612.51 (the “Judgment”). Plaintiffs seek an order, pursuant to Section 5014 of the New York Civil Practice Law and Rules (“CPLR”) to renew the Judgment.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action as the Court has subject matter jurisdiction to enforce a judgment entered by the Court. *See Epperson v. Entm’t Express, Inc.*, 242 F.3d 100, 104 (2d Cir. 2001).

3. Venue is proper in this judicial district pursuant to 29 U.S.C. § 1391(b)(2) as the Judgment was entered in this judicial district and as the events underlying the Judgment occurred in this judicial district.

THE PARTIES

4. Plaintiffs The New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Vacation Fund, New York City District Council of Carpenters Annuity Fund, New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund (the “ERISA Funds”) are multiemployer labor-management trust funds organized and operated in accordance with ERISA. The ERISA Funds maintain their principal place of business at 395 Hudson Street, New York, New York 10014.

5. Plaintiff New York City District Council of Carpenters Charity Fund (the “Charity Fund”) is a charitable organization established under section 501(c)(3) of the Internal Revenue

Code, 26 U.S.C. § 501(c)(3). The Charity Fund maintains its principal place of business at 395 Hudson Street, New York, New York 10014.

6. Plaintiff Carpenter Contractor Alliance of Metropolitan New York f/k/a New York City and Vicinity Carpenters Labor-Management Corporation (together with the ERISA Funds and the Charity Fund, the “Funds”) is a New York not-for-profit corporation that maintains its principal place of business at 395 Hudson Street, New York, New York 10014.

7. Plaintiff District Council for New York City and Vicinity, United Brotherhood of Carpenters and Joiners of America (the “Union”) is a labor organization that represents employees in an industry affecting commerce within the meaning of section 501 of the LMRA, 29 U.S.C. § 142. The Union maintains its principal place of business at 395 Hudson Street, New York, New York 10014.

8. Defendant Eduardo Torres (“Torres”) is an individual that owned and ran ET Construction Co. (“ET Construction”), a domestic sole proprietorship not incorporated under the laws of the State of New York. Upon information and belief, Torres resides at 11187 41st Avenue, Corona, New York 11368.

STATEMENT OF FACTS

9. ET Construction was a signatory to, or otherwise bound by, a collective bargaining agreement with the Union under which it was required to remit benefit contributions to the Funds.

10. ET Construction failed to remit all required benefit contributions to the Funds, and the Funds filed a lawsuit against Torres, as owner of the unincorporated sole proprietorship, to recover the unpaid benefits and related amounts.

11. On November 8, 2010, Plaintiffs obtained the Judgment against Defendant in the United States District Court for the Southern District of New York in the amount of \$32,612.51.

